

# TITLE XIII: GENERAL OFFENSES

Chapter

**130. GENERAL OFFENSES**

## CHAPTER 130: GENERAL OFFENSES

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**Note:**

§§ 130.50 - 130.57, *Littering*, repealed by Ord. passed 4-16-02

## GENERAL PROVISIONS

### § 130.01 PUBLIC LOUNGING OR SLEEPING.

(A) No person shall lounge or sleep in or upon any of the commons or squares of the city. ('71 Code, § 17-4)

(B) No person or persons shall sit, stand, or lounge in or about the doors or passageways to any store, office, shop, dwelling house, or other tenement except the owners or tenants thereof, after having been requested by the owner or occupant, or any police officer or watchman, to depart therefrom.

('71 Code, § 17-6)

**Cross reference:**

*Citation penalties, see § 38.06*

### § 130.02 OBSTRUCTING PASSAGEWAYS.

Three or more persons shall not stand in a group, or near each other, on any foot or sidewalk, so as to obstruct a free passage for foot passengers, and any person or persons obstructing the foot or sidewalks shall move on immediately after a request made by any police officer or watchman.

('71 Code, § 17-5)

**§ 130.03 CURFEW FOR CHILDREN.**

(A) *Established; exceptions.* It shall be unlawful for any minor under the age of 18 years to be upon any public street, or in any public place, between the hours of 9:00 p.m. and 6:00 a.m. of the following day, official city time, unless accompanied by a parent, guardian, or custodian; accompanied by an adult specified by a parent, guardian, or custodian; carrying out an errand or other lawful activity as directed by a parent, guardian, or custodian; or who is participating in, going to, or returning from lawful employment, a lawful athletic, education, entertainment, religious or social event, or interstate travel.

(B) *Responsibility of parents.* It shall be unlawful for the parent, guardian, or custodian having the care and custody of a minor under the age of 18 years to knowingly permit such minor to be upon any public street, or in any public place, between the hours of 9:00 p.m. and 6:00 a.m. of the following day except as provided for under § 130.03(A).

(C) *Violations.* Each violation of the provisions of this section shall constitute a separate offense. For the first violation of this section by any child, he shall be taken to his home by the officers, and the parents or guardian shall be notified of the penalty for any subsequent violation.

('71 Code, § 17-12) (Ord. passed 11-19-57; Am. Ord. passed 8-5-97) Penalty, see § 130.99

***Statutory reference:***

*State curfew regulations, see R.S.A. 31:43 et seq.*

**§ 130.04 ABANDONED ICEBOXES.**

(A) It shall be unlawful for any person to leave outside of any building, dwelling, dump, vacant land, or in any other place accessible to children, any abandoned, unattended, or discarded icebox, refrigerator, or any other container of any kind which has a snap-lock or other device thereon, without first removing the said snap-lock or doors from said icebox, refrigerator, or container.

('71 Code, § 17-14) (Ord. passed 12-1-53)

***Cross reference:***

*Citation penalties, see § 38.06*

**§ 130.05 JOGGERS ON CITY STREETS; VISIBILITY.**

No person shall jog or run on any city street without wearing appropriately colored clothing, such as orange, so as to be clearly visible to motorists during daylight hours. No person shall jog or run on any city street without wearing appropriately luminescent clothing, such as a safety vest, running suit, or reflective tape so as to be clearly visible to motorists during nighttime hours and at dawn or dusk.

('71 Code, § 17-16) (Ord. passed 8-5-86) Penalty, see § 130.99

**§ 130.06 INDECENT EXPOSURE WHILE SWIMMING.**

No person shall, within the view of any dwelling house or of any public road or street, in the daytime, bathe or swim in such a manner whereby he exposes his person indecently.

('71 Code, § 17-17) (Ord. passed 9-7-54)

***Statutory reference:***

*Indecent exposure, see R.S.A. 645:1*

***Cross reference:***

*Citation penalties, see § 38.06*

**§ 130.07 OBSCENITY.**

No person shall sing or repeat, or cause to be sung or repeated, any lewd, obscene, or profane song or word; nor write or mark in any manner any obscene or profane word, or obscene or lascivious figure or representation, on any structure.

('71 Code, § 17-18) Penalty, see § 130.99

***Statutory reference:***

*Similar provisions, see R.S.A. 570:3*

*Authority of city to restrain and punish obscenity, see R.S.A. 47:17 (XIII)*

*Obscene matter, see R.S.A. Ch. 650*

**§ 130.08 STRIKEBREAKING.**

It shall be unlawful within the city for any person not directly involved in a labor strike or lockout to recruit any person or persons for employment, or to secure or offer to secure for any person or persons any employment, when the purpose of such recruiting, securing or offering to secure employment, is to have such persons take the place in employment of employees in an industry where a labor strike or a lockout exists.

('71 Code, § 17-19) (Ord. passed 2-6-62) Penalty, see § 130.99

**§ 130.09 RADIO OR TELEVISION INTERFERENCE.**

(A) No person shall knowingly or wantonly use or operate or cause to be operated, any machine, device, apparatus or instrument of any kind whatsoever within the city between the hours of 6:00 p.m. and 12:00 midnight, the operation of which shall cause reasonably preventable electrical interference with radio or television reception, within the city limits; provided, however, that x-ray pictures, examinations, or treatments may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and are not negligently operated.

(B) This section shall not be held or construed to embrace or cover the regulation of any transmitting, broadcasting, or receiving instrument, apparatus, or device used or useful in interstate commerce or the operation of which instrument, apparatus or device is licensed, or authorized by or under the provisions of any act of the Congress of the United States.

('71 Code, § 17-20) Penalty, see § 130.99

**§ 130.10 [RESERVED].**

(Previous section repealed 7-20-04)

**§ 130.11 NUDITY IN PLACES SELLING ALCOHOLIC BEVERAGES.**

(A) *Purpose and intent.* It is declared to be the purpose and intent of this section to

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protect the public health, safety, welfare and morals of the community, to promote the stability of property values, and impose restrictions upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood, adversely affect the property values, increase crime and violence, and be repugnant to the morals of the community. In recognition of the protections afforded to citizens under the First and Fourteenth Amendments, it is not the intent of this section to inhibit freedom of speech or the press, but rather to deter those of low morals from imposing their lack of morals upon the rest of the community; and further recognizing that those parts of a community, which become centers of loose moral conduct, frequently become places of rowdiness, criminality, and indecent behavior. It is further the belief that just as advertising is designed to stimulate one's appetite for desiring goods or a service, an over-abundance of preoccupation with sexual displays or material arouses the appetites of those so preoccupied and encourages violations of the criminal statutes involving sexual offenses and is contrary to the health, safety and welfare of the community.

(B) *Prohibition.* No person shall appear in a state of nudity in any place that sells or offers to sell alcoholic beverages within the city.

(C) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**NUDITY.** The showing of the human male or female genitals, pubic area, or buttocks with less than fully opaque covering, the showing of the female breast with less than fully opaque covering or any part of the nipples, or the showing of the male genitals in a discernibly turgid state.

(Ord. passed 12-3-96) Penalty, see § 130.99

### **§ 130.12 EXOTIC/UNUSUAL ENTERTAINMENT IN PLACES SELLING ALCOHOLIC BEVERAGES.**

(A) *Purpose and intent.* It is declared to be the purpose and intent of this section to protect the public health, safety, welfare and morals of the community, to promote the stability of property values, and impose restrictions upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood, adversely affect the property values, increase crime and violence, and be repugnant to the morals of the community. In recognition of the protections afforded to citizens under the First and Fourteenth Amendments, it is not the intent of this section to inhibit freedom of speech or the press, but rather to deter those of low morals from imposing their lack of morals upon the rest of the community; and further recognizing that those parts of a community, which become centers of loose moral conduct, frequently become places of rowdiness, criminality, and indecent behavior. It is further the

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belief that, just as advertising is designed to stimulate one's appetite for desiring goods or a service, an over-abundance of preoccupation with sexual displays or material arouses the appetites of those so preoccupied and encourages violations of the criminal statutes involving sexual offenses and is contrary to the health, safety and welfare of the community.

### (B) *Prohibition.*

(1) It shall be unlawful for any business entity that sells alcoholic beverages to the general public to offer or allow exotic/unusual entertainment without first having received written approval from the Chief of Police or his designee.

(2) It shall be unlawful for any person to engage or participate in any exotic/unusual entertainment in any location where alcoholic beverages are served to the general public unless that business entity has first received written approval from the Chief of Police or his designee.

(C) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUSINESS ENTITY.** Any and all persons, natural and artificial, including any individual, firm, corporation or association serving alcohol to the general public pursuant to a license issued by the New Hampshire Liquor Commission.

**EXOTIC/UNUSUAL ENTERTAINMENT.** This shall mean and include but not be limited to male and female exotic dances, contests involving audience participation such as swimsuit contests, wet tee shirt contests, hot legs contests, best body contests, hard body contests, tattoo contests, and toga parties.

(Ord. passed 12-3-96) Penalty, see § 130.99

## DISTURBING PUBLIC PEACE AND SAFETY

### § 130.20 CONDUCT IN PUBLIC PLACES.

No person shall in any street, lane, alley, or public place, be guilty of any rude, indecent, or disorderly conduct; or shall insult or wantonly impede any person passing thereon; or shall throw any stones, brick, snowballs, or dirt; or play at ball or at any game in which any ball is used; or fly any kite in any street, lane, or public square in the compact part of the city.

('71 Code, § 17-2)

***Statutory reference:***

*For similar state law provisions, see R.S.A. 570:1*

***Cross reference:***

*Citation penalties, see § 38.06*

**§ 130.21 FALSE FIRE ALARMS.**

No person shall knowingly raise or repeat any false cry of fire within the city.

('71 Code, § 17-1)

***Statutory reference:***

*False fire alarms, see R.S.A. 644:3 and 644:3a*

**§ 130.22 CAUSING BRAWL PROHIBITED.**

No person shall make any brawl or tumult in the city.

('71 Code, § 17-3) Penalty, see § 130.99

**§ 130.23 DISCHARGING FIREARMS.**

No person shall, within the compact part of the city, fire or discharge any cannon, gun, pistol, or other firearm.

('71 Code, § 17-15)

***Cross reference:***

*Citation penalties, see § 38.06*

**§ 130.24 PUBLIC DRINKING.**

(A) No person shall drink alcoholic beverages at any time on public streets and sidewalks or public school buildings and grounds.



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(B) Exemption: This section shall not apply to the area of a sidewalk encumbered in accordance with § 97.34(B) of this code.

('71 Code, § 17-22) (Ord. passed 8-5-75; Am. Ord. passed 10-11-77; Am. Ord. passed 9-1-87; Am. Ord. passed 6-5-00)

***Cross reference:***

*Citation penalties, see § 38.06*

## OFFENSES AGAINST PROPERTY

### § 130.35 INJURING PROPERTY.

No person shall wantonly injure or deface any building, fence, wall, post, signboard, sign, lamppost, or lamp or lantern thereon.

('71 Code, § 17-7)

***Statutory reference:***

*Defacing property, see R.S.A. 634:2*

### § 130.36 INJURING PLANTS.

(A) No person shall wantonly injure any trees, shrubs, or bushes growing in any garden, field, or yard. ('71 Code, § 17-8)

(B) No person shall wantonly or wilfully destroy shrubbery, pull up, bend or mar growing trees or otherwise injure or cause to be injured any shrubs, flowers, or trees on city property or maintained by the city, or shall wantonly or willfully damage or deface any other property of the city or of any department thereof. ('71 Code, § 17-9) Penalty, see § 130.99

***Statutory reference:***

*Injuring gardens, see R.S.A. 635:2*

*Injuring city trees, see R.S.A. 634:2*

***Cross reference:***

*Citation penalties, see § 38.06*

**§ 130.37 ROBBERING GARDENS OR ORCHARDS.**

No person shall rob any garden or field of fruit or vegetables.

('71 Code, § 17-10) Penalty, see § 130.99

**§ 130.38 CLIMBING FENCES PROHIBITED.**

No person shall, without lawful permission, climb on or over any fence of any garden or yard.

('71 Code, § 17-11)

***Statutory reference:***

*For similar state law provisions, see R.S.A. 634:2*

***Cross reference:***

*Citation penalties, see § 38.06*

**§ 130.39 PLAYGROUNDS; HOURS FOR USE; DAMAGING EQUIPMENT.**

No person shall, between the hours of 9:00 p.m. and 7:00 a.m., be permitted to enter on or trespass on that part of any public park, common, school yard, or playground which is equipped with playground equipment and used for playground purposes. No person shall be permitted to use for any purpose whatsoever, playground equipment during the hours hereinbefore stipulated. Any person who shall tamper with or wantonly injure, damage or destroy any playground equipment, shall be liable upon conviction, for the damage caused thereto.

('71 Code, § 17-13) (Am. Ord. passed 10-18-55) Penalty, see § 130.99

***Cross reference:***

*Citation penalties, see § 38.06*

**§ 130.40 TRESPASSING ON PUBLIC SCHOOL BUILDINGS AND GROUNDS.**

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(A) It shall be unlawful for any unauthorized person to enter upon or remain in public school buildings, including appurtenant buildings, or public school grounds, including parking lots and recreational or athletic areas between the hours of 7:30 a.m. and 4:00 p.m. on any day when such school is in session.

(B) Authorized persons shall include teachers and other employees of the school, students of said school, their parents or guardians and those who are present with the permission of the principal or person in charge. All others including suspended students shall be deemed unauthorized persons unless they are involved in school-related business. ('71 Code, § 17-23) (Ord. passed 11-13-79; Am. Ord. passed 9-1-87)

(C) The Superintendent of schools is hereby authorized to adopt rules and regulations governing the use of parking areas on public school premises. Signs shall be maintained designating the provisions of such parking rules and regulations in the area affected thereby. Any such sign located in a public school parking area shall be presumed to have been installed by the official act or lawful direction of the Superintendent unless the contrary shall be established by lawful evidence. Cards, tags, or stickers may be issued to facilitate enforcement as provided in such rules and regulations. ('71 Code, § 17-24) (Ord. passed 11-13-79) Penalty, see § 130.99

### ***Cross reference:***

*Citation penalties, see § 38.06*

## **§ 130.41 DANGEROUS WEAPONS IN PUBLIC SCHOOL BUILDINGS AND ON PUBLIC SCHOOL GROUNDS.**

(A) No person shall carry or possess a dangerous weapon in any public school building, including appurtenant buildings, or on any public school grounds, including parking lots and recreational or any athletic areas used for school athletics.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***DANGEROUS WEAPON.*** Any firearm, knife, blackjack, slingshot, metallic knuckles or other thing which is designed or intended to be used to produce bodily injury.

(Ord. passed 1-19-99) Penalty, see § 130.99

## **§ 130.42 ESTABLISHING PUBLIC HOUSING DRUG FREE ZONES.**

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Pursuant to R.S.A. 31:41-e, there are hereby established drug free zones within 1000 feet of each Manchester Housing and Redevelopment Authority public housing property.

(Ord. passed 3-21-00)

***Note:***

*§§ 130.50 - 130.57, Littering, repealed by Ord. passed 4-16-02*

**§ 130.99 PENALTY.**

Any person who shall violate any of the provisions of this chapter for which no penalty is otherwise provided shall be subject to a fine not exceeding the maximum allowed by R.S.A. 47:17 or other law.

('71 Code, § 17-24) (Ord. passed 11-13-79; Am. Ord. passed 10-1-96)